



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS  
425 Eye Street N.W.  
ULLB, 3rd Floor  
Washington, D.C. 20536

G1

FILE: [REDACTED] Office: New York

Date:

IN RE: Obligor:  
Bonded Alien: [REDACTED]

JAN 22 2004

IMMIGRATION BOND: Bond for Release of Alien under Exclusion Proceedings under  
section 103 of the Immigration and Nationality Act, 8 U.S.C.  
1103

IN BEHALF OF OBLIGOR: Self-represented

**PUBLIC COPY**

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,  
EXAMINATIONS

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The exclusion bond in this matter was declared breached by the District Director, New York, New York, and a subsequent appeal was sustained by the Associate Commissioner for Examinations on appeal. After notifying the obligor on August 23, 2002 of the intent to reopen the matter pursuant to 8 C.F.R. 103.5(a)(5)(ii), the Associate Commissioner will withdraw the order of July 19, 2002 sustaining the appeal and will affirm the district director's decision declaring the bond breached.

The record indicates that on January 21, 1992, the obligor posted a \$6,500 bond conditioned for the delivery of the above referenced alien. A Notice to Deliver Alien (Form I-340) dated June 29, 1999, was sent to the obligor via certified mail, return receipt requested. The notice demanded the bonded alien's surrender into the custody of an officer of the Immigration and Naturalization Service (the Service) for removal at 9:00 a.m. on July 15, 1999, at [REDACTED]. The obligor failed to present the alien, and the alien failed to appear as required. On August 23, 1999, the district director informed the obligor that the delivery bond had been breached.

On motion, the Associate Commissioner has determined that the record establishes that the Notice to Deliver Alien was properly served on the obligor in compliance with 8 C.F.R. 103.5a(a)(2)(iv). The record indicates that the Notice to Deliver Alien was hand-delivered and signed by the obligor which this office inadvertently overlooked.

The obligor was granted 30 days from September 25, 2002, to respond to the Associate Commissioner's finding. No response has been entered into the record. Therefore, the order of July 19, 2002 sustaining the appeal will be withdrawn and the district director's decision declaring the bond breached will be affirmed.

**ORDER:** The order of July 19, 2002 sustaining the appeal is withdrawn and the district director's decision declaring the bond breached is affirmed.